# Executive Summary – Enforcement Matter – Case No. 46127 PANTRY CONVENIENCE STORES, INC. RN103015913, RN101444537, and RN103016838 Docket No. 2013-0234-PST-E

**Order Type:** 

1660 Agreed Order

**Findings Order Justification:** 

N/A

Media:

**PST** 

**Small Business:** 

Yes

**Location(s) Where Violation(s) Occurred:** 

Pantry South, 911 South Washington Street, Beeville, Bee County; Pantry West, 2214 Highway 59 West, Beeville, Bee County; and Pantry East, 1720 East Houston Street, Beeville, Bee County

Type of Operation:

Convenience stores with retail sales of gasoline

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 26, 2013

Comments Received: No

**Penalty Information** 

**Total Penalty Assessed:** \$11,250

Amount Deferred for Expedited Settlement: \$2,250 Amount Deferred for Financial Inability to Pay: \$0

**Total Paid to General Revenue:** \$250 **Total Due to General Revenue:** \$8,750

Payment Plan: 35 payments of \$250 each

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:** 

Person/CN - Unclassified

Site/RN103015913 - Unclassified RN101444537 - Unclassified

RN103016838 - Unclassified

Major Source: No

Statutory Limit Adjustment: N/A

**Applicable Penalty Policy:** September 2011

# Executive Summary – Enforcement Matter – Case No. 46127 PANTRY CONVENIENCE STORES, INC. RN103015913, RN101444537, and RN103016838 Docket No. 2013-0234-PST-E

# **Investigation Information**

Complaint Date(s): N/A

**Complaint Information**: N/A

Date(s) of Investigation: October 24, 2012 and January 18, 2013

**Date(s) of NOE(s):** January 18, 2013

# **Violation Information**

Failed to monitor the underground storage tanks ("USTs") for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring) [30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)].

# Corrective Actions/Technical Requirements

# **Corrective Action(s) Completed:**

N/A

# **Technical Requirements:**

The Order will require Respondent to:

a. Within 30 days, implement a release detection method for all USTs at the Facilities; and

b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision a.

# Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A Settlement Date: N/A

# **Contact Information**

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Thomas Greimel, Enforcement Division,

Enforcement Team 7, MC 128, (512) 239-5690; Candy Garrett, Enforcement Division,

MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Leticia Q. Munoz, Secretary/Treasurer, PANTRY CONVENIENCE

STORES, INC., P.O. Box 1629, Beeville, Texas 78104

Respondent's Attorney: N/A

# Penalty Calculation Worksheet (PCW) Policy Revision 3 (September 2011) TCEQ DATES Assigned 22-Jan-2013 PCW 6-May-2013 Screening 28-Jan-2013 EPA Due RESPONDENT/FACILITY INFORMATION Respondent PANTRY CONVENIENCE STORES, INC. dba Pantry South (Facility 1) Reg. Ent. Ref. No. Facility/Site Region 14-Corpus Christi Major/Minor Source Mino

CASE INFORMATION			
Enf./Case ID No.	46127	No. of Violations	1
Docket No.	2013-0234-PST-E	Order Type	1660
	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Had Darling
		EC's Team	Enforcement Team 7
Admin. Penalty \$ I	imit Minimum \$0 Maximui	n \$25,000	

PCW Revision August 3, 2011

		Penalty Calculat	ion Section		
TOTAL BASE PENA	LTY (Sum of	violation base penalt	ties)	Subtotal 1	\$3,750
ADJUSTMENTS (+)	/-) TO SUBTO	TAL 1 the Total Base Penalty (Subtotal 1	) by the indicated perce	ntage.	
Compliance Hi		0.0%	Enhancement	Subtotals 2, 3, & 7	\$0
Notes		No adjustment for complian	nce history.		
Culpability	No I	0.0%	Enhancement	Subtotal 4	\$0
Notes	The Res	spondent does not meet the	culpability criteria		
Good Faith Eff	ort to Comply To	otal Adjustments		Subtotal 5	\$0
Economic Bene	efit  Total EB Amounts  Cost of Compliance		Enhancement* d at the Total EB \$ Amo	Subtotal 6	\$0
SUM OF SUBTOTA	LS 1-7			Final Subtotal	\$3,750
OTHER FACTORS A	Subtotal by the indica	AY REQUIRE ated percentage.	0.0%	Adjustment	\$0
Notes					
				Final Penalty Amount	\$3,750
STATUTORY LIMIT	TADJUSTMEN	T	,	inal Assessed Penalty	\$3,750
<b>DEFERRAL</b> Reduces the Final Assessed Pe	nalty by the indicted p	percentage. (Enter number only; e		eduction <b>Adjustment</b>	-\$750
Notes		Deferral offered for expedited			
PAYABLE PENALT				*	\$3,000

Screening Date 28-Jan-2013

Docket No. 2013-0234-PST-E

Respondent PANTRY CONVENIENCE STORES, INC. dba Pantry South (Facility 1)

1) Policy Revision 3 (September 2011)
PCW Revision August 3, 2011

Case ID No. 46127

Reg. Ent. Reference No. RN103015913

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Had Darling

**Compliance History Worksheet** 

diance Histo	ry Site Enhancement (Subtotal 2)		
omponent	Number of Ent	er Number Here	Adjus
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
		Enter Yes or No	·
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
Oulei	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
No			
pliance Hist	ory Person Classification (Subtotal 7)		
Unclas	sified Adjustment Percen	itage (Subt	otal 7
pliance Hist	ory Summary		_
Compliance History Notes	No adjustment for compliance history.		
Compliance	Total Compliance History Adjustment Percentage (Sub- History Adjustment	ototals 2, 3	3, & 7

Case ID No. Reg. Ent. Reference No.	PANTRY CONVENIENCE ST 46127 RN103015913		o. 2013-0234-PST-E South (Facility 1)	PCW Policy Revision 3 (September 2011) PCW Revision August 3, 2011
Enf. Coordinator	Petroleum Storage Tank Had Darling			
Violation Number				
Rule Cite(s)	30 Tex. Admin. Co	ode § 334.50(b)(1)(A) a	nd Tex. Water Code §	26.3475(c)(1)
Violation Description	Failed to monitor the un least once every	derground storage tanks month (not to exceed :		
				Base Penalty \$25,000
>> Environmental, Property and Release OR Actual	Harm Major Moderat		Percent	15.0%
Potential			rercent	13.0 70
>>Programmatic Matrix Falsification	Major Moderat	e Minor		
			Percent	0.0%
Matrix Notes Human health	or the environment will o rotective of human health	r could be exposed to po or environmental recept	ollutants which would e cors as a result of the	exceed levels that are violation.
			Adjustment	\$21,250
-				\$3,750
Violation Events				
Number of V	Violation Events 1	10	Number of violation	n days
mark only one with an x	daily weekly monthly quarterly semiannual annual single event		Vic	olation Base Penalty \$3,750
One monthly	event is recommended fro	m the January 18, 2013 screening date.	record review date to	the January 28, 2013
Good Faith Efforts to Comply	0.0 Before NO	Reduction NOV to EDPRP/Settlemer	nt Offer	\$0
	Extraordinary Ordinary			
	N/A × Notes The F	(mark with x) Respondent does not me viol	et the good faith criter ation.	ia for this
				Violation Subtotal \$3,750
Economic Benefit (EB) for this v	iolation		Statutory Lim	
\$5000000000000000000000000000000000000	ed EB Amount	\$57		Final Penalty Total \$3,750
	\$		l Assessed Penalty (	(adjusted for limits) \$3,750

	E	conomic I	Benefit	Wo	rksheet		
Respondent	PANTRY CONV	'ENIENCE STORES	, INC. dba Pan	try Sou	th (Facility 1)		
Case ID No.	46127						
Reg. Ent. Reference No.	RN103015913	;					
Media	Petroleum Sto	rage Tank				Percent Interest	Years of
Violation No.	1					r crecile ameerese	Depreciation
	75.00					5.0	15
Application of the second of t	Item Cost	Date Required	Final Date	Yrs	<b>Interest Saved</b>	Onetime Costs	EB Amount
Item Description	No commas or \$						
*			CONTRACTOR OF THE PROPERTY OF	enementari e e e e e e	er at verdeer de verdeer de verdeer verdeer de verdeer de verdeer de verdeer de verdeer de verdeer de verdeer	occident and the second se	
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	-\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	24-Oct-2012	28-Jul-2013	0.76	\$57	n/a	\$57
Notes for DELAYED costs			date is the es	imated	date of complianc	ne investigation date ie.  for one-time avoic	
Avoided Costs	ANNUAL	IZE [1] avoided	COSES DEIOIE	0.00	so \$0	\$0	\$0
Disposal				0.00	\$0	\$0 \$0	\$0
Personnel				0.00	\$0 \$0	\$0 \$0	\$0
Inspection/Reporting/Sampling Supplies/equipment				0.00	\$0	\$0 \$0	\$0
Financial Assurance [2]				0.00	\$0 \$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Other (as needed)				<u> </u>	<u> </u>		
Notes for AVOIDED costs							

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

PUBLISHED Compliance History Report for CN602937096, RN103015913, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator:

CN602937096, PANTRY CONVENIENCE

Classification: UNCLASSIFIED

Rating: ----

Regulated Entity:

RN103015913, Pantry South

Classification: UNCLASSIFIED

Rating: -----

**Complexity Points:** 

Repeat Violator:

CH Group:

14 - Other

STORES, INC.

Location:

911 S WASHINGTON ST BEEVILLE, TX 78102-6426, BEE COUNTY

**TCEQ Region:** 

**REGION 14 - CORPUS CHRISTI** 

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION

**REGISTRATION 48716** 

Compliance History Period: September 01, 2007 to August 31, 2012

Rating Year: 2012

**Rating Date:** 09/01/2012

**Date Compliance History Report Prepared:** 

January 28, 2013

**Agency Decision Requiring Compliance History:** 

Enforcement

**Component Period Selected:** 

January 28, 2008 to January 28, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Herbert Darling

(512) 239-2570

#### Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period?

YES NO

2) Has there been a (known) change in ownership/operator of the site during the compliance period?

3) If YES for #2, who is the current owner/operator?

N/A

4) If YES for #2, who was/were the prior

N/A

owner(s)/operator(s)?

5) If YES, when did the change(s) in owner or operator occur?

N/A

#### Components (Multimedia) for the Site Are Listed in Sections A - J

Final Orders, court judgments, and consent decrees:

N/A

Criminal convictions:

Chronic excessive emissions events:

The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

F. Environmental audits: N/A

G. Type of environmental management systems (EMSs):

H. Voluntary on-site compliance assessment dates:  $\ensuremath{\text{N/A}}$ 

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

**Sites Outside of Texas:** 

#### Penalty Calculation Worksheet (PCW) PCW Revision August 3, 2011 Policy Revision 3 (September 2011) Assigned 22-Jan-2013 PCW 6-May-2013 Screening 28-Jan-2013 EPA Due RESPONDENT/FACILITY INFORMATION Respondent PANTRY CONVENIENCE STORES, INC. dba Pantry West (Facility 2) Reg. Ent. Ref. No. RN101444537 Major/Minor Source Minor Facility/Site Region 14-Corpus Christi CASE INFORMATION No. of Violations 1 Enf./Case ID No. 46127 Order Type 1660 **Docket No.** 2013-0234-PST-E Government/Non-Profit No Media Program(s) Petroleum Storage Tank Enf. Coordinator Had Darling Multi-Media EC's Team Enforcement Team 7 Maximum \$25,000 Admin. Penalty \$ Limit Minimum \$0

			Penalt	y Calculati	on Section		
TOTAL	<b>BASE PENA</b>	LTY (Sui	m of violation	base penalti	es)	Subtotal 1	\$3,750
ADJUS	TMENTS (+)	/-) TO SI	JBTOTAL 1 tiplying the Total Base I	Penalty (Subtotal 1)	by the indicated perce	entage.	
	Compliance His				Enhancement	Subtotals 2, 3, & 7	\$0
	Notes		No adjustme	ent for complianc	e history.		
(	Culpability	No		0.0%	Enhancement	Subtotal 4	\$0
	Notes	Т	he Respondent doe	es not meet the c	ulpability criteria	•	
	Good Faith Effe	ort to Com	ply Total Adjustn	nents		Subtotal 5	\$0
·	Economic Bene Approx.	efit Total EB Am Cost of Comp			nhancement* at the Total EB \$ Amo	Subtotal 6	\$0
SUM O	F SUBTOTAL	•				Final Subtotal	\$3,750
			CE MAY REQUI		0.0%	Adjustment	\$0
	Notes						
William from the first of the f	į					Final Penalty Amount	\$3,750
STATU	TORY LIMIT	ADJUST	MENT		j	Final Assessed Penalty	\$3,750
DEFER Reduces th		nalty by the ir	ndicted percentage. <i>(Er</i>	nter number only; e.g		Reduction <b>Adjustment</b> on.)	-\$750
ans an about a security of the section of the secti	Notes			ed for expedited			
PAYAB	LE PENALTY	<u> </u>				Places such as a principal	\$3,000

Screening Date 28-Jan-2013

**Docket No.** 2013-0234-PST-E

Respondent PANTRY CONVENIENCE STORES, INC. dba Pantry West (Facility 2)

Policy Revision 3 (September 2011) PCW Revision August 3, 2011

**Case ID No.** 46127

Reg. Ent. Reference No. RN101444537

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Had Darling

**Compliance History Worksheet** 

Component	ory Site Enhancement (Subtotal 2)  Number of  Ent	er Number Here	Adjus
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Please	Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
900	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
eat Violator			
Unclas		tage (Subt	otal 7
ipliance Hist	ory Summary		
Compliance History Notes	No adjustment for compliance history.		
Compliance	Total Compliance History Adjustment Percentage (Sub History Adjustment	totals 2, 3	, & 7

Screening Date		<b>Docket No.</b> 2013-0234-PS	- ANICONAL PROPERTY OF THE PRO
	š	DRES, INC. dba Pantry West (Facility 2)	Policy Revision 3 (September 2011)
Case ID No.	No. of the contract of the con		PCW Revision August 3, 2011
Reg. Ent. Reference No.			
	Petroleum Storage Tank		
Enf. Coordinator			,
Violation Number			
Rule Cite(s)	30 Tex. Admin. Code	$\S$ 334.50(b)(1)(A) and Tex. Water Code $\S$ :	26.3475(c)(1)
and the second s	Failed to monitor the under	rground storage tanks ("USTs") for release	s at a frequency of
Violation Description		onth (not to exceed 35 days between each	
new representation of the second seco			
neversity of the second			
			Base Penalty \$25,000
>> Environmental, Property	and Human Health M	atrix	
	Harm		
Release		Minor	
OR Actual			
Potential	X	Percent	15.0%
>>Programmatic Matrix			
Falsification	Major Moderate	Minor	
State of the state		Percent	0.0%
<u> </u>	<u> </u>		
		or could be exposed to pollutants which we	
tnat a	re protective of numan hear	h or environmental receptors as a result of	the violation.
		Adjustmen	\$21,250
on the state of th			\$3,750
• • • • • • • • • • • • • • • • • • •			\$3,730
Violation Events			
Number of '	Violation Events 1	Number of viol	ation days
THE STREET		=	
*	daily .		
	weekly		•
mark only	monthly x quarterly	Viola	tion Base Penalty \$3,750
one with an x	semiannual		70/.33
o de la constante de la consta	annual		9
·	single event		
german	-		
	thly awant is recommended f	rom the January 18, 2013 record review da	te to the January
One mon		8, 2013 screening date.	
			\$0
Good Faith Efforts to Comply	Before NOV	6 Reduction NOV to EDPRP/Settlement Offer	\$0
opposition of the state of the	Extraordinary Earlie Nov	NOV to EDFRF/Settlement one	a septiment
	Ordinary		п
and the second	N/A x	(mark with x)	and the second
	The state of the s		MPROSUPORORI .
	Notes The Resp	ondent does not meet the good faith criteri	a for this
		violation.	
deleveries		-	
Characteristic Charac		`	/iolation Subtotal \$3,750
Economic Benefit (EB) for th	is violation	Statutory I	imit Test
Estimat	ted EB Amount	\$57 Violation Fi	inal Penalty Total \$3,750
Name of the Control o	Th	is violation Final Assessed Penalty (ad	justed for limits) \$3,750

eg. Ent. Reference No. Media Violation No.	Petroleum Sto					Percent Interest	Years of Depreciation
	1000					5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							100
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00		1.7.0	
•	\$1,500 Estimated co	st to monitor the l	28-Jul-2013 JSTs for release	0.76	\$57	n/a	\$57
Avoided Costs  Avoided Costs  Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated co	st to monitor the l	USTs for release date is the est	0.76 es. The imated	\$57 date required is to date of compliance	n/a ne investigation data	\$57 e, and the final

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

PUBLISHED Compliance History Report for CN602937096, RN101444537, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

C	u	sto	m	er,	,	Res	sp	or	ıd	eı	1
n	r	Ow	me	ar.	1	One	r	ato	or	•	

CN602937096, PANTRY CONVENIENCE

Classification: UNCLASSIFIED

Rating: ----

Regulated Entity:

RN101444537, Pantry West

Classification: UNCLASSIFIED

Rating: ----

**Complexity Points:** 

Repeat Violator:

NO

CH Group:

14 - Other

STORES, INC.

Location:

2214 HIGHWAY 59 W BEEVILLE, TX 78102-8098, BEE COUNTY

TCEQ Region:

**REGION 14 - CORPUS CHRISTI** 

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION

**REGISTRATION 28522** 

Compliance History Period: September 01, 2007 to August 31, 2012

Rating Year: 2012

**Rating Date:** 09/01/2012

**Date Compliance History Report Prepared:** 

January 28, 2013

**Agency Decision Requiring Compliance History:** 

Enforcement

**Component Period Selected:** 

January 28, 2008 to January 28, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Herbert Darling

(512) 239-2570

#### Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period?

YES NO

2) Has there been a (known) change in ownership/operator of the site during the compliance period?

3) If YES for #2, who is the current owner/operator?

N/A

4) If YES for #2, who was/were the prior

N/A

owner(s)/operator(s)?

5) If YES, when did the change(s) in owner or operator

N/A

occur?

### Components (Multimedia) for the Site Are Listed in Sections A - J

Final Orders, court judgments, and consent decrees:

N/A

**Criminal convictions:** 

N/A

Chronic excessive emissions events:

N/A

The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

G. Type of environmental management systems (EMSs):
N/A

H. Voluntary on-site compliance assessment dates:

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance: N/A

F. Environmental audits:

**Sites Outside of Texas:** 

# Penalty Calculation Worksheet (PCW)

PCW Revision August 3, 2011

\$3,000

TCEQ						
DATES Assigned		A	G FRANCE	en un management de la company		
PCW	6-May-2013	Screening 28-Jan-20	EPA Due			
RESPONDENT/FACILI	TY INFORMATI	ON	23,000 (10,000)			
Respondent	PANTRY CONVEN	IIENCE STORES, INC. db	a Pantry East (Faci	lity 3)		
Reg. Ent. Ref. No.			Major (A	linor Cource	Minor	
Facility/Site Region	14-Corpus Chris	J.	Major/N	linor Source	[FIGIUI	derikke d
CASE INFORMATION			see Rooms			
Enf./Case ID No.			No. 0	of Violations		
Docket No.	2013-0234-PST-	<u>E</u>	6	Order Type		
Media Program(s) Multi-Media	Petroleum Stora	ge rank		t/Non-Profit Coordinator		
riuiti-rietila	<u>n, seor las, serviciors virto que establicado</u>				Enforcement Team 7	
Admin. Penalty \$	Limit Minimum	\$0 Maximum	\$25,000	***************************************		
		Penalty Calcu	lation Section	on .		
TOTAL BASE PENA	LTY (Sum of	violation base per		, M22 TE	Subtotal 1	\$3,750
-2-03/27-4-02/7/					<b></b>	
ADJUSTMENTS (+	/-) TO SUBT	OTAL 1 g the Total Base Penalty (Subto	ral 1) by the indicated r	percentage		
Compliance Hi			<b>%</b> Enhancement	Subto	tals 2, 3, & 7	\$0
F.					20000 144 cm (2000000 00000000000000000000000000000	
Notes		No adjustment for comp	oliance history.			
Culpability	No	0.0	% Enhancement		Subtotal 4	\$0
B.I.	Than	spondent does not meet	the culpability crit	aria		
Notes	ine Re	spondent does not meet	the culpability criti	-1 1 <b>0</b> .		
Good Faith Eff	ort to Comply 1	otal Adjustments	100	100	Subtotal 5	\$0
Economic Ben	efit	0.0	% Enhancement*		Subtotal 6	\$0
	Total EB Amounts	\$57 *Ca	pped at the Total EB \$	Amount	2007/1/2	
Approx	. Cost of Compliance	\$1,500				
SUM OF SUBTOTA	LS 1-7		Francisco	F	inal Subtotal	\$3,750
OTHER FACTORS	AS JUSTICE N	1AY REQUIRE	0.0%		Adjustment	\$0
Reduces or enhances the Fina	I Subtotal by the indi	cated percentage.			1	
Notes						
Notes						
- Average and a second a second and a second a second and				Final Per	nalty Amount	\$3,750
						40 750
STATUTORY LIMI	T ADJUSTME	VI		Final Asse	ssed Penalty	\$3,750
DEFERRAL			20.0%	Reduction	Adjustment	-\$750
Reduces the Final Assessed P	enalty by the indicted	percentage. (Enter number or			Aujustinent	- T - O O
Notes		Deferral offered for expe	lited settlement.			
					1	

Policy Revision 3 (September 2011) PCW Revision August 3, 2011

Screening Date 28-Jan-2013

Docket No. 2013-0234-PST-E

Respondent PANTRY CONVENIENCE STORES, INC. dba Pantry East (Facility 3)

Case ID No. 46127

Reg. Ent. Reference No. RN103016838

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Had Darling

**Compliance History Worksheet** 

Component		er Number Here	Adjus
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	O	0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
		Enter Yes or No	1
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Percen	tage (Subt	otal 2
eat <b>Violator (</b> No		tage (Subt	total 3
nliance Histo	ory Person Classification (Subtotal 7)		
		tage (Suhi	total ?
Unclass	ory Summary	tage (Subt	,otai ,
			1
Compliance History Notes	No adjustment for compliance history.		
	Total Compliance History Adjustment Percentage (Sub	totals 2, 3	3, & 7
Compliance I	History Adjustment Final Adjustment Percentage		

Screening Date	28-Jan-2013	Docket No. 2013-0234-PS	ST-E PCW
Respondent	PANTRY CONVENIENCE STO	ORES, INC. dba Pantry East (Facility 3)	Policy Revision 3 (September 2011)
Case ID No.			PCW Revision August 3, 2011
Reg. Ent. Reference No.			
	Petroleum Storage Tank		
Enf. Coordinator			•
Violation Number			
Rule Cite(s)	20 Tau Admin Coda	E 334 E0(h)(1)(A) and Toy, Water Code	5 26 2475(c)(1)
	30 Tex. Admin. Code	$\S$ 334.50(b)(1)(A) and Tex. Water Code	= 9:20:3473(C)(17:
Violation Description		ground storage tanks ("USTs") for rele	
Violation Description	at least once every m	onth (not to exceed 35 days between e	each monitoring).
7			
reassaction			Base Penalty \$25,000
annonement.		•	
>> Environmental, Proper	ty and Human Health	n Matrix	
	Harm		
Release	Major Moderate	Minor	
OR Actual		Percent	15.0%
Potential	x	an a	[13.070]
>>Programmatic Matrix			
Falsification	Major Moderate	Minor	
		Percent	0.0%
-			
	or the environment will or	could be exposed to pollutants which we	ould exceed levels that
		environmental receptors as a result of	
Notes	occave of naman near of		
-			
		Adjustn	nent \$21,250
naneo			\$3,750
***************************************			
Violation Events			
Number of V	iolation Events 1	10 Number of vio	lation days
Processing and the state of the	4-11.	ā	
***************************************	daily weekly		
	monthly x		
mark only one	quarterly	Vi	olation Base Penalty \$3,750
with an x	semiannual		-
na-re-re-re-re-re-re-re-re-re-re-re-re-re-	annual		
onnesses.	single event		
		-	
One monthly	event is recommended from	the January 18, 2013 record review da	ate to the January 28,
	2	013 screening date.	
			CONTROL CONTROL OF THE PROPERTY AND
Good Faith Efforts to Comp	alv 0.0%	Reduction	\$0
	Before NOV	NOV to EDPRP/Settlement Offer	<u></u>
· ·	Extraordinary		•
opinenassa.	Ordinary		
**************************************	N/A ×	(mark with x)	
THE STATE OF THE S			
TERRAMENT	Notes The Respo	endent does not meet the good faith cri violation.	CHATO THE
standers over the standard of			
reaction of the state of the st			
recentage			Violation Subtotal \$3,750
Economic Benefit (EB) for	this violation	Statutory	Limit Test
and the second s		-	
Estimate	d EB Amount	\$57 Violation	n Final Penalty Total \$3,750
	Th	is violation Final Assessed Penalty	(adjusted for limits) \$3,750

eg. Ent. Reference No. Media Violation No.	Petroleum Sto			16+00 0 m (20+20)/9940		Percent Interest	Years of Depreciation
						5.0	15
		Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (se sected)							
Other (as needed)	\$1,500 Estimated cos	24-Oct-2012 st to monitor the l	28-Jul-2013 JSTs for release	0.76	\$57	n/a he investigation date	\$57
Avoided Costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated cos	st to monitor the l	JSTs for release date is the est	0.76 s. The imated	\$57 date required is t date of compliance	n/a he investigation date	\$57 , and the final

To request a more accessible version of this report, please contact the TCEO Help Desk at (512) 239-4357.



# Compliance History Report

PUBLISHED Compliance History Report for CN602937096, RN103016838, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: Regulated Entity: RN103016838, Pantry East Classification: UNCLASSIFIED Rating: Regulated Entity: RN103016838, Pantry East Classification: UNCLASSIFIED Rating: Repeat Violator: NO  CH Group: 14 - Other 1720 E HOUSTON ST BEEVILLE, TX 78102-5314, BEE COUNTY  TCEQ Region: REGION 14 - CORPUS CHRISTI  ID Number(s): PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 28518 Compliance History Period: September 01, 2007 to August 31, 2012 Rating Year: 2012 Rating Date: 09/01/20  Date Compliance History Report Prepared: January 28, 2013  Agency Decision Requiring Compliance History: Enforcement Component Period Selected: January 28, 2008 to January 28, 2013  TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.						
Complexity Points: 2 Repeat Violator: NO  CH Group: 14 - Other  Location: 1720 E HOUSTON ST BEEVILLE, TX 78102-5314, BEE COUNTY  TCEQ Region: REGION 14 - CORPUS CHRISTI  ID Number(s): PETROLEUM STORAGE TANK REGISTRATION  REGISTRATION 28518 Compliance History Period: September 01, 2007 to August 31, 2012 Rating Year: 2012 Rating Date: 09/01/20  Date Compliance History Report Prepared: January 28, 2013  Agency Decision Requiring Compliance History: Enforcement  Component Period Selected: January 28, 2008 to January 28, 2013		ONVENIENCE CI	assification:	UNCLASSIFI	ED Rating	<b>):</b>
CH Group: 14 - Other  Location: 1720 E HOUSTON ST BEEVILLE, TX 78102-5314, BEE COUNTY  REGION 14 - CORPUS CHRISTI  ID Number(s): PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 28518 Compliance History Period: September 01, 2007 to August 31, 2012 Rating Year: 2012 Rating Date: 09/01/20  Date Compliance History Report Prepared: January 28, 2013  Agency Decision Requiring Compliance History: Enforcement  Component Period Selected: January 28, 2008 to January 28, 2013	RN103016838, Pantry East	t C	assification:	UNCLASSIFI	ED <b>Rating</b>	1
Location: 1720 E HOUSTON ST BEEVILLE, TX 78102-5314, BEE COUNTY  REGION 14 - CORPUS CHRISTI  ID Number(s): PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 28518 Compliance History Period: September 01, 2007 to August 31, 2012 Rating Year: 2012 Rating Date: 09/01/20  Date Compliance History Report Prepared: January 28, 2013  Agency Decision Requiring Compliance History: Enforcement  Component Period Selected: January 28, 2008 to January 28, 2013	2	Re	epeat Violator	·: NO		
REGION 14 - CORPUS CHRISTI  ID Number(s): PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 28518 Compliance History Period: September 01, 2007 to August 31, 2012 Rating Year: 2012 Rating Date: 09/01/20 Date Compliance History Report Prepared: January 28, 2013 Agency Decision Requiring Compliance History: Enforcement Component Period Selected: January 28, 2008 to January 28, 2013	14 - Other					
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 28518 Compliance History Period: September 01, 2007 to August 31, 2012 Rating Year: 2012 Rating Date: 09/01/20 Date Compliance History Report Prepared: January 28, 2013 Agency Decision Requiring Compliance History: Enforcement Component Period Selected: January 28, 2008 to January 28, 2013	1720 E HOUSTON ST BEE	VILLE, TX 78102-531	4, BEE COUNTY			
PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 28518 Compliance History Period: September 01, 2007 to August 31, 2012 Rating Year: 2012 Rating Date: 09/01/20 Date Compliance History Report Prepared: January 28, 2013 Agency Decision Requiring Compliance History: Enforcement Component Period Selected: January 28, 2008 to January 28, 2013	REGION 14 - CORPUS CHRISTI					
Agency Decision Requiring Compliance History: Enforcement  Component Period Selected: January 28, 2008 to January 28, 2013	September 01, 2007 t		Rating Yea	ar: 2012 	Rating Date:	09/01/2012
Component Period Selected: January 28, 2008 to January 28, 2013	•	: Enforcement	<del></del>			
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.		<del></del>				
	ntact for Additional In	nformation Regard	ding This Com	pliance His	story.	
Name: Herbert Darling Phone (512) 239-2570				/512\ 230-25	570	
-		STORES, INC. RN103016838, Pantry Eas  2  14 - Other  1720 E HOUSTON ST BEE  REGION 14 - CORPUS CHE  ( REGISTRATION  od: September 01, 2007 to  Report Prepared:  ng Compliance History  ted: January 28, 2008 to  ontact for Additional In	RN103016838, Pantry East  2  Record 14 - Other  1720 E HOUSTON ST BEEVILLE, TX 78102-531  REGION 14 - CORPUS CHRISTI  CREGISTRATION  Od: September 01, 2007 to August 31, 2012  Report Prepared: January 28, 2013  Ing Compliance History: Enforcement  ted: January 28, 2008 to January 28, 2013  Intact for Additional Information Regard	RN103016838, Pantry East  Classification:  Repeat Violator  14 - Other  1720 E HOUSTON ST BEEVILLE, TX 78102-5314, BEE COUNTY  REGION 14 - CORPUS CHRISTI  REGISTRATION  od: September 01, 2007 to August 31, 2012  Rating Yea  Report Prepared: January 28, 2013  Ing Compliance History: Enforcement  ted: January 28, 2008 to January 28, 2013  Intact for Additional Information Regarding This Compliance  Intact for Additional Information Regarding This Compliance  Intact for Additional Information Regarding This Compliance  Report Prepared: January 28, 2013	RN103016838, Pantry East  Classification: UNCLASSIFI  Repeat Violator: NO  14 - Other  1720 E HOUSTON ST BEEVILLE, TX 78102-5314, BEE COUNTY  REGION 14 - CORPUS CHRISTI  REGISTRATION  od: September 01, 2007 to August 31, 2012  Report Prepared: January 28, 2013  ng Compliance History: Enforcement  ted: January 28, 2008 to January 28, 2013  ontact for Additional Information Regarding This Compliance History	RN103016838, Pantry East  Classification: UNCLASSIFIED  Rating  Repeat Violator: NO  14 - Other  1720 E HOUSTON ST BEEVILLE, TX 78102-5314, BEE COUNTY  REGION 14 - CORPUS CHRISTI  REGISTRATION  od: September 01, 2007 to August 31, 2012  Rating Year: 2012  Rating Date:  Report Prepared: January 28, 2013  Ing Compliance History: Enforcement  ted: January 28, 2008 to January 28, 2013  Intact for Additional Information Regarding This Compliance History.

- YES 1) Has the site been in existence and/or operation for the full five year compliance period?
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator?

4) If YES for #2, who was/were the prior

N/A

owner(s)/operator(s)?

5) If YES, when did the change(s) in owner or operator

N/A

occur?

#### Components (Multimedia) for the Site Are Listed in Sections A - J

Final Orders, court judgments, and consent decrees:

**Criminal convictions:** 

N/A

Chronic excessive emissions events:

The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

G. Type of environmental management systems (EMSs):
N/A

Woluntary on-site compliance assessment dates:

H. Voluntary on-site compliance assessment dates:

I. Participation in a voluntary pollution reduction program:

J. Early compliance:

**Environmental audits:** 

**Sites Outside of Texas:** 

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	8	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
PANTRY CONVENIENCE	§	TEXAS COMMISSION ON
STORES, INC.	§	
RN103015913, RN101444537 AND	§	
RN103016838	§	ENVIRONMENTAL QUALITY

# AGREED ORDER DOCKET NO. 2013-0234-PST-E

#### I. JURISDICTION AND STIPULATIONS

- 1. The Respondent operates the following convenience stores with retail sales of gasoline (collectively referred to as the "Facilities"):
  - a. Pantry South, RN103015913, ("Facility 1"), located at 911 South Washington Street in Beeville, Bee County, Texas, has four in-service underground storage tanks ("USTs");
  - b. Pantry West, RN101444537, ("Facility 2"), located at 2214 Highway 59 West in Beeville, Bee County, Texas, has two in-service USTs; and
  - c. Pantry East, RN103016838, ("Facility 3"), located at at 1720 East Houston Street in Beeville, Bee County, Texas, has two in-service USTs.
- 2. The Respondent's eight USTs are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
- 3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.

- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about January 23, 2013.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Eleven Thousand Two Hundred Fifty Dollars (\$11,250) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Hundred Fifty Dollars (\$250) of the administrative penalty and Two Thousand Two Hundred Fifty Dollars (\$2,250) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the penalty payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Eight Thousand Seven Hundred Fifty Dollars (\$8,750) of the administrative penalty shall be payable in 35 monthly payments of Two Hundred Fifty Dollars (\$250) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
- 9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

#### II. ALLEGATIONS

As operator of the Facilities, the Respondent is alleged to have failed to monitor the USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring), in violation of 30 Tex. ADMIN. CODE § 334.50(b)(1)(A) and Tex. WATER CODE § 26.3475(c)(1), as documented during investigations conducted on October 24, 2012, and record reviews conducted on January 18, 2013.

#### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: PANTRY CONVENIENCE STORES, INC., Docket No. 2013-0234-PST-E" to:

Financial Administration Division, Revenue Operations Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, implement a release detection method for all USTs at the Facilities, in accordance with 30 TEX. ADMIN. CODE § 334.50; and
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and

PANTRY CONVENIENCE STORES, INC. DOCKET NO. 2013-0234-PST-E Page 4

complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Waste Section Manager Corpus Christi Regional Office Texas Commission on Environmental Quality 6300 Ocean Drive, Suite 1200 Corpus Christi, Texas 78412-5503

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facilities' operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or

PANTRY CONVENIENCE STORES, INC. DOCKET NO. 2013-0234-PST-E Page 5

otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under Tex. Bus. Org. Code § 1.002.

8. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

PANTRY CONVENIENCE STORES, INC. DOCKET NO. 2013-0234-PST-E Page 6

# SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
Pano Maring	8122113
For the Executive Director	Date
I, the undersigned, have read and understand t agree to the attached Agreed Order on behalf of do agree to the terms and conditions specified th accepting payment for the penalty amount, is ma	the entity indicated below my signature, and nerein. I further acknowledge that the TCEO in
<ul> <li>additional penalties, and/or attorney fees</li> <li>Increased penalties in any future enforcer</li> </ul>	may result in:  as submitted; eneral's Office for contempt, injunctive relief , or to a collection agency;
TCEQ seeking other relief as authorized b In addition, any falsification of any compliance d	by law. locuments may result in criminal prosecution.
Leticia 2. Mulg Signature	5-13-13 Date
Name (Printed or typed) Authorized Representative of PANTRY CONVENIENCE STORES, INC.	Secretary/Treasure Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.